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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

UNITED STATES OF AMERICA

v.

ANDRE TREVOR BERRY and
IVAN MENDEZ ROMAN,

Defendants.

CRIMINAL NO. BAH-24-0256

(Conspiracy to Distribute Narcotics,
21 U.S.C. § 846; Conspiracy to
Possess Firearms in Furtherance of a
Drug-Trafficking Crime, 18 U.S.C.
§ 924(o); Possession of a Firearm and
Ammunition by a Prohibited Person,
18 U.S.C. § 922(g)(1); Forfeiture, 18
U.S.C. § 924(d), 21 U.S.C. § 853, 28
U.S.C. § 2461(c))

SUPERSEDING INDICTMENT

COUNT ONE

(Conspiracy to Distribute and Possess with Intent to Distribute Controlled Substances)

The Grand Jury for the District of Maryland charges that:

Beginning on a date unknown to the Grand Jury, but no later than 2024, and continuing until in or about March 2024, in the District of Maryland and elsewhere, the defendants, *

ANDRE TREVOR BERRY and
IVAN MENDEZ ROMAN,

and others known and unknown to the Grand Jury, did knowingly and willfully combine, conspire, confederate and agree to distribute and possess with intent to distribute a quantity of a mixture or substance containing a detectable amount of cocaine, a Schedule II controlled substance, in violation of 21 U.S.C. § 841.

21 U.S.C. § 846

COUNT TWO

(Conspiracy to Possess Firearms in Furtherance of a Drug Trafficking Crime)

The Grand Jury for the District of Maryland further charges that:

Beginning on a date unknown to the Grand Jury, but no later than 2024, and continuing until in or about March 2024, in the District of Maryland and elsewhere, the defendants,

**ANDRE TREVOR BERRY and
IVAN MENDEZ ROMAN,**

did knowingly, intentionally and unlawfully combine, conspire, confederate and agree with each other and other persons known and unknown to the Grand Jury to possess firearms in furtherance of drug trafficking crimes for which they may be prosecuted in a court of the United States, to wit, Conspiracy to Distribute and Possess with Intent to Distribute Controlled Substances in violation of Title 21 of the United States Code Section 846, as alleged in Count One of this Superseding Indictment, which is incorporated herein.

18 U.S.C. § 924(o)

COUNT THREE

(Possession of a Firearm and Ammunition by a Prohibited Person)

The Grand Jury for the District of Maryland further charges that:

On or about March 11, 2024, in the District of Maryland, the Defendant,

ANDRE TREVOR BERRY,

knowing he had previously been convicted of a crime punishable by imprisonment for a term exceeding one year, knowingly possessed a firearm and ammunition, to wit, a Glock Model 19 9mm Luger pistol, with serial number LMM025; and 30 rounds of 9mm ammunition; and the firearm and ammunition were in and affecting commerce.

18 U.S.C. § 922(g)

COUNT FOUR

(Possession of a Firearm and Ammunition by a Prohibited Person)

The Grand Jury for the District of Maryland charges that:

On or about March 11, 2024, in the District of Maryland, the Defendant,

IVAN MENDEZ ROMAN,

knowing he had previously been convicted of a crime punishable by imprisonment for a term exceeding one year, knowingly possessed firearms and ammunition, to wit, a Glock Model 19 9mm Luger pistol, with serial number LMM025, and 30 rounds of 9mm ammunition; one Canik 9mm pistol, with serial number 21AP05720, loaded with 15 rounds of ammunition; and one Blacksheep Tactical 5.56x45mm caliber pistol, serial number 1102, found loaded with 20 rounds of 5.56x45mm caliber ammunition; and the firearms and ammunition were in and affecting commerce.

18 U.S.C. § 922(g)

FORFEITURE ALLEGATION

The Grand Jury for the District of Maryland further finds that:

1. Pursuant to Fed. R. Crim. P. 32.2, notice is hereby given to the Defendants that the United States will seek forfeiture as part of any sentence in accordance with 18 U.S.C. § 924(d), 21 U.S.C. § 853, and 28 U.S.C. § 2461(c), in the event of the Defendants' convictions under Counts One through Four of this Superseding Indictment.

Controlled Substance Offenses Forfeiture

2. Upon conviction of the offense alleged in Count One, the Defendants shall forfeit to the United States, pursuant to 21 U.S.C. § 853(a):

- a. any property constituting, or derived from, any proceeds obtained, directly or indirectly, as a result of such offense; and
- b. any property used, or intended to be used, in any manner or part, to commit, or facilitate the commission of, such offense.

Firearms and Ammunition Forfeiture

3. Upon conviction of the offense(s) alleged in Counts Two through Four of this Superseding Indictment, the Defendants shall forfeit to the United States, pursuant to 18 U.S.C. § 924(d) and 28 U.S.C. § 2461(c), any firearms and ammunition involved in the offense(s).

Property Subject to Forfeiture

4. The property to be forfeited includes, but is not limited to:
- a. a Glock Model 19 9mm Luger pistol bearing serial number LMM025;
 - b. approximately 30 rounds of 9mm ammunition;
 - c. a Canik 9mm pistol bearing serial number 21AP05720;
 - d. approximately 15 rounds of 9mm ammunition;

- e. a Blacksheep Tactical 5.56x45mm caliber pistol bearing serial number 1102; and
- f. approximately 20 rounds of 5.56x45mm caliber ammunition.


Substitute Assets

5. If, as a result of any act or omission of the defendant, any of the property described above as being subject to forfeiture:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third person;
- c. has been placed beyond the jurisdiction of the Court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be divided without difficulty,

the United States shall be entitled to forfeiture of substitute property up to the value of the forfeitable property described above pursuant to 21 U.S.C. § 853(p), as incorporated by 28 U.S.C. § 2461(c).

18 U.S.C. § 924(d)
21 U.S.C. § 853(p)
28 U.S.C. § 2461(c)


Erik L. Barron
United States Attorney

A TRUE BILL:

SIGNATURE REDACTED

10/3/2024
Date